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COMMENTS TO THE
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
RE: STATUTES ADVERSELY AFFECTING
HOUSING PRODUCTION
AND OTHER FORMS OF DEVELOPMENT

by

URBAN DEVELOPMENT INSTITUTE (ONTARIO)

December 1982



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The Urban Development Institute is extremely pleased to see the establishment of a committee which will investigate and evaluate legislation, regulations, and administrative practices that restrict development of all types in this province. We welcome the opportunity to comment and herewith submit perceived difficulties and contradictions.

The question of rectifying the problem is extremely complex because not only do statutes present stumbling blocks to the development industry, but administrative practices and procedures are often cumbersome and wasteful of time, energies and ultimately money. In order to build a case for major deregulation and simplification of procedures, the effort towards easing the problems must be incorporated into the system and become a governmental priority of equal weight to the initial concept of regulation of the development industry. This means that the costs and benefits and pros and cons of both regulation and deregulation must be continually examined and defined, and the process streamlined on a continuing basis. Changing a number of statutes without a thorough examination of the entire process would merely constitute tinkering with the issue. Thus a need for a standing government committee is more than evident.

At this point, UDI can only offer some initial suggestions and point to some of the most obvious problems. To do the question justice, all legislation, and there are virtually hundreds of pieces affecting land development and construction, must be systematically investigated with a view to simplifying the process.

The most frequent problems for developers arise from the multiplicity of jurisdictions and duplications of required approvals. Because there are no standardized powers for all regions, different rules result within the same province. A lack of certainty and clarity as to where responsibility lies and uncertainty as to procedure by administrators are common. Processing by sequential passing for approval to various departments and authorities draws out the time factor.

One of the common excuses given for delays is that a department or municipality does not have control or authority to request comments, responses and approval which may be very slow in coming from another

department, municipality or agency. A standard procedure should be adopted for the processing of development applications within and between various jurisdictions.

Frequently, the same items are being approved by various authorities and agencies with no definition of seniority or jurisdiction. For example, technical plans and engineering drawings have to be approved by both the Ministry of Natural Resources and the local Conservation Authority with respect to storm water drainage and management. Another example concerns approval of storm sewers. A region who has been given the power to approve certain servicing matters will nevertheless insist on obtaining approval from the Ministry of the Environment; or it may be a given authority that insists on continuing circulation and comment on matters, in spite of the fact that responsibility and approval rest elsewhere.

It is important that roles, responsibilities, procedures, time limits and authority for individuals, departments and agencies at all levels of government involved be clearly defined, adhered to and met. Once a procedure has been established, individuals, departments or agencies should be delegated or assigned responsibility and approval authority instead of funnelling matters back to an individual or Council for approval. Provincial agencies should not be involved in the development process if authority has been delegated elsewhere. Even municipalities have suggested that similar administrative responsibilities be lodged within one Ministry (see Appendix for a recent resolution from the Town of Whitchurch-Stouffville).

An added difficulty affecting the efficiency of the development process lies with the individuals who are involved in processing development applications at different levels of government and not with the process itself. Subjectivity in decision-making, competitiveness and a lack of co-operation and support between departments and local and regional governments do not go unnoticed and have an impact. Unfortunately, these problems and power struggles which cannot be legislated do not assist in creating a positive climate for the development process.

Following are some suggestions for legislative change and perceived need for investigation into areas where difficulties have been identified.

- ° The Agricultural Code of Practice
 - is ambiguous and complicated and in need of a simpler formula for minimum setbacks.
- ° Ontario Fire Standards and Safety Regulations
 - existing standards and regulations are overzealous.
- ° The Construction Lien Act
 - is designed to protect sub-trades, not the mortgagee who is denied control of funds.

- Local property standards and safety by-laws
 - require evaluation as to their justification and it is recommended that a joint government-industry committee investigate and identify the necessity of standards and safety by-laws and prescribe maximum measures to municipalities.
- Front-ending legislation
 - The lack of front-ending legislation has delayed or even served to discourage development. Appropriate legislation is needed which will give some guarantee that the front-ended costs will be reimbursed to developers from subsequent development.
- Site Plan Approval
 - an obligatory time limit on the approval process is needed and if approval is not given within a period of time, it should be deemed to have been given.
- Servicing Standards
 - should be re-evaluated to determine if they can be realistically reduced in order to apply to today's economy and the servicing policies of municipalities should be able to be challenged at the O.M.B. in the absence of an overall provincial standard.
- Storm Water Management and Noise Attenuation
 - a joint government and industry committee should review both storm water management and noise attenuation with a view to reducing standards suitable to today's economic environment.
- Municipal Work Orders
 - ought to carry a longer period over which up-grading may be carried out.
- Subdivision Agreements
 - vary from municipality to municipality. A concise subdivision agreement standard should be devised and apply throughout the province.

The foregoing by no means constitutes a complete roster of all the legislative and administrative difficulties which are perceived by the development industry and which it would like to see modified or removed. Such a task is a demanding one, however we hope to have provided a starting point for a review process which, if it is to be effective, must become continuous and integral to the multi-

jurisdictional system which regulates housing production and land development.

The need for the simplification of the total system of the enforcement of building and land use regulations in Ontario is acknowledged by both the private and public sectors. This is documented by recent action by several municipalities requesting the simplification of administrative responsibilities (a resolution of the Town of Whitchurch-Stouffville attached) and by our original statement to the Deregulation Committee in August of this year.

Respectfully submitted:

URBAN DEVELOPMENT INSTITUTE (ONTARIO)

L.I. Greenbaum
President

December 1982

TOWN OF WHITCHURCH - STOUFFVILLE

COUNCIL

Date October 12th, 1982

It is moved by

and seconded by

C. L. Hayes
G. J. Morley

WHEREAS the Committee of Uniform Building Standards for Ontario (1969 Carruthers Report) recommend that the administration of all regulations related to building be under one Ministry; and,

WHEREAS the Province of Ontario provided for the Ontario Building Code and the Ontario Plumbing Code Regulations 647 to be administered by the Ministry of Consumer and Commercial Relations, while provisions respecting municipal zoning, property standards and demolition control, falling under The Planning Act be administered by the Ministry of Municipal Affairs and Housing; and,

WHEREAS the Ministry of Municipal Affairs and Housing is also responsible for Provincial Advisory Services and promotion of the operation of local governments and provides a close link and liaison with Ontario municipalities; and,

WHEREAS many municipal officials responsible for enforcement of the Building Code are also responsible for the enforcement of Property Standards By-laws, Zoning By-laws and Occupancy By-laws; and,

WHEREAS it would be conducive to good relations between the municipalities and the Province as well as the public to have these similar administrative responsibilities under one Ministry.

NOW THEREFORE BE IT RESOLVED THAT the O.B.O.A. Board of Directors be authorized to petition Premier William Davis to implement the recommendations of the Committee on Uniform Building Standards for Ontario (1969 Carruthers Report) relating to the administrative responsibilities relating to both new and existing buildings under one Provincial Ministry; and,

FURTHER THAT this resolution be forwarded to the A.M.O., U.D.I. and H.U.D.A.C. for endorsation.

I HEREBY CERTIFY THE FOREGOING
TO BE A TRUE COPY.

Carried.

Thom. M. Mowry
Thom. M. Mowry
Deputy Clerk

Eldred King

